

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Frank J. Romano

vs.

1:05-cv-1037(FJS/RFT)

**Christopher D. Holland; Ryder Truck Rental, Inc.;
Imperial Pools, Inc. aka/Imperial Distributors, Inc.**

ORDER DISMISSING CASE

A motion to dismiss the complaint pursuant to FRCivP 37 was filed on October 11, 2006. No response in opposition to this motion has been filed by the plaintiff.

On April 30, 2007 a notice was sent to all parties in this action that a dismissal calendar call would be held on May 24, 2007, allowing any opposition to the dismissal to be filed by 5/17/ 2007. No opposition papers were filed.

On May 24, 2007 no parties to this action entered an appearance.

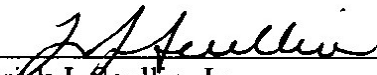
Since the plaintiff did not respond to the Court's motion for dismissal for failure to prosecute, the Court grants defendant's motion for dismissal pursuant to FRCivP 37 and it's own motion for dismissal for failure to prosecute. Therefore, it is hereby

ORDERED that this case is dismissed and further it is

ORDERED that the Clerk of the Court shall close this case.

IT IS SO ORDERED.

May 31, 2007



Frederick J. Scullin, Jr.
Senior United States District Court Judge